

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JO ANN CRUPI, *et al.*,

Defendants.

Adv. Pro. No. 10-04216 (SMB)

**STIPULATED ORDER APPOINTING A SPECIAL DISCOVERY ARBITRATOR**

WHEREAS, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action;

WHEREAS, on September 13, 2016, the Trustee filed a letter with Judge Bernstein requesting a conference on or permission to file a motion to compel the production of documents in response to a subpoena served on Guston & Guston, LLP. [Dkt. 85] (the “Discovery Dispute”);

WHEREAS, on September 19, 2016, the Defendants filed their letter opposing the Trustee's position on the Discovery Dispute. [Dkt. 87]; and

WHEREAS, the Discovery Dispute was scheduled by the Court to be the subject of an October 17, 2016 Chambers Conference; and

WHEREAS, on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the "October 4, 2016 Order") appointing the Honorable Frank Maas (ret.), c/o JAMS, Inc. as Discovery Arbitrator (the "Discovery Arbitrator") to resolve discovery disputes that may arise and which have been specifically referred to him by the Court with consent of the parties to the dispute.

NOW, THEREFORE, THE PARTIES TO THIS STIPULATION AGREE AND STIPULATE AS FOLLOWS:

1. **The Discovery Dispute.** The Parties agree that the Discovery Dispute shall be resolved by the Discovery Arbitrator consistent with the procedures outlined in the October 4, 2016 Order, except as follows: For purposes of efficiency, in lieu of the three-page summaries to be provided to the Discovery Arbitrator pursuant to Paragraphs 7 and 8 of the Order, the Parties will provide the Discovery Arbitrator copies of the above-referenced letters identified as Docket Nos. 85 and 87.

2. The Parties agree that within three business days of the entry of this Stipulation, the Trustee will transfer to the Discovery Arbitrator via email, copying counsel for Defendants, complete copies of the above-referenced letters identified as Docket Nos. 85 and 87.

3. The Parties will comply with the procedures and all other provisions of the October 4, 2016 Order for any future discovery disputes other than those addressed in this Stipulated Order Appointing a Special Discovery Arbitrator, to the extent the Parties agree to submit future disputes to the Discovery Arbitrator.

4. The Chambers Conference scheduled for October 17, 2016 at 10:00 a.m. is adjourned.

**ORDERED**, that this Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: New York, New York  
October 13, 2016

By: /s/ Terry M. Brennan

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SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC  
and the Estate of Bernard L. Madoff*

By: /s/ Eric R. Breslin

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*For Non-Party Guston & Guston, LLP*

So Ordered this 13<sup>th</sup> day of October, 2016.

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE